

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

STEVEN D. STEWART,

Plaintiff,

v.

LORI DOEHLING, RENEE SCHUELER,
SALAM SYED, KARL HOFFMAN,
JULIETTE HOFFMAN, EDWIN TJARDES,
AARON KUCHINSKI, and
MARTHA J. MASCIOPINTO,

Defendants.

OPINION and ORDER

20-cv-667-jdp

Pro se plaintiff Steven Stewart failed to serve defendant Martha J. Masciopinto within 90 days of filing his complaint as required by Federal Rule of Civil Procedure 4(m). I gave Stewart extra time to serve Masciopinto, but I told him that because he had already sought a waiver of service, he needed to arrange to serve Masciopinto in one of the other ways explained in Rule 4. Dkt. 33. I told Stewart that if he did not take steps to serve Masciopinto by October 8, 2021, she would be dismissed from the case.

That deadline has passed, and Stewart now moves for default judgment against Masciopinto, alleging that he mailed “the lawsuit, the notice, the summons, the waivers, and the proof of service” to Masciopinto’s address. Dkt. 34. But a plaintiff can’t achieve service by sending a defendant a summons through the mail. Instead, Stewart had to arrange for someone to personally deliver the summons and file an affidavit with the court, as explained in Rule 4 and the court’s instructions for achieving service. Masciopinto wasn’t properly served, so the court cannot enter default judgment against her. *See Cunningham v. Montes*, 883 F.3d 688 (7th Cir. 2018). Accordingly, I will deny Stewart’s motion and dismiss Masciopinto from this case.

IT IS ORDERED that:

1. Plaintiff's motion for default judgment, Dkt. 34, is DENIED.
2. Defendant Martha J. Masciopinto is DISMISSED from this case.

Entered October 25, 2021.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge